

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANNY GRIFFITH,  
Plaintiff,

v.

JOSEPH LEHMAN,  
Defendant.

Case No. C06-5022 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
COMPLAINT WITH PREJUDICE

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge [Dkt. #8] that the complaint be dismissed, without prejudice. This civil rights action was filed on January 11, 2006. Plaintiff was given leave to proceed in forma pauperis. Plaintiff is attempting to litigate for the loss of "earned early release" time.

The Magistrate Judge ordered the Plaintiff to correct deficiencies in his complaint. Rather than proceed as ordered, Plaintiff sought to appeal the matter to this Court. This Court dismissed the appeal as lacking merit and ordered Plaintiff to amend his complaint to correct the deficiencies no later than June 26, 2006, warning that a failure to do so may result in a recommendation for dismissal. Plaintiff has not amended his complaint and Magistrate Judge, Karen L. Strombom has

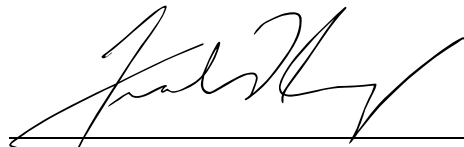
1 recommended the action be dismissed with prejudice. The Court concurs with the recommendation  
2 of the magistrate Judge.

3 The Court, having reviewed the Plaintiff's complaint, the Report and Recommendation, and  
4 the remaining record, does hereby find and ORDER:

- 5 (1) The Court adopts the Report and Recommendation;
- 6 (2) This action is **DISMISSED WITH PREJUDICE**;
- 7 (3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for  
8 Defendants, and to the Hon. Karen L. Strombom.
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10 DATED this 16<sup>th</sup> day of August, 2006.

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14 FRANKLIN D. BURGESS  
15 UNITED STATES DISTRICT JUDGE  
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